



UNITED STATES PATENT AND TRADEMARK OFFICE

cm

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/680,349	10/05/2000	Aaron T. Jones	0112300/030	7826

29159 7590 06/06/2003

BELL, BOYD & LLOYD LLC
P. O. BOX 1135
CHICAGO, IL 60690-1135

EXAMINER

COBURN, CORBETT B

ART UNIT PAPER NUMBER

3714

DATE MAILED: 06/06/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/680,349

Applicant(s)

JONES, AARON T.

Examiner

Corbett B. Coburn

Art Unit

3714

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 May 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☒ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Attached.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-8 and 11-48.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendments filed 23 May 2003 have been entered. These amendments address typographical and grammatical errors and do not change the scope of the claims.
2. Applicant's amendment of the title has been entered.

Response to Arguments

3. Applicant's arguments filed 23 May 2003 have been fully considered but they are not persuasive.
4. Applicant argues that the prior art fails to teach context sensitive help because Heidel fails to teach context sensitive help. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).
5. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, hyperlinks and context sensitive help is notoriously well known to those of ordinary skill in the art. Context sensitive help appears in virtually every modern computer application. The Internet is replete with web pages with hyperlinks to places where more

Art Unit: 3714

information about a particular topic may be had. Even Assignee's webpage has hyperlinks of this type. It is virtually inconceivable that one of ordinary skill in the art would not know about hyperlinks and context sensitive help and the benefits to be gained by their use.

6. Applicant argues that constant display of a payable would be faster than a hyperlinked version. Yet Applicant has submitted an affidavit that claims that hyperlinking to a payable meets a long felt need because modern paytables are too large to display continuously.

Applicant cannot have it both ways. If modern paytables are not too long to be continuously displayed, then there is no long felt need. If, as Applicant's affidavit asserts, modern paytables are too long to be continuously displayed, then it would be faster to hyperlink to a particular symbol in the payable than to scroll through several pages. (Incidentally, the Supplemental Declaration Under 37 CFR §1.132 of Aaron Jones has not been entered for the reasons detailed in the Final Office Action.)

7. The heart of Applicant's argument is that LeMay is non-analogous art. Applicant would have the "gaming machine art" cordoned off from all other areas of technology. Essentially, Applicant argues that only "gaming machine art" may be applied to "gaming machines".

But what are modern "gaming machines"? They are digital computers. Yes, they come in a different box than the desktop computer. They have flashing lights and a slot for accepting money or a credit card. But in essence, they are digital computers. They are a subset of the "digital computer art" – a peninsula perhaps, but certainly not an island, complete unto itself. Since "gaming machines" are a subset of digital computers, the art that applies to digital computers applies to "gaming machines". In other words, one of ordinary skill in the art would look to the "digital computer art" to solve problems in the "gaming machine art" – especially

Art Unit: 3714

those problems that have to do with generalized computing functions such as data display.


While there might be "gaming machine functions" that are unique to the "gaming machine art", finding the best way to display data on a computer screen is not one of them.

Applicant also argues that the motivation to combine must be found in the LeMay reference, this is not the case. As noted above, the motive to combine may be knowledge that is generally available to one of ordinary skill in the art. Examiner believes that knowledge of hyperlinks and context sensitive help was generally available to those of ordinary skill in the art at the time of the invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (703) 305-3319. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.


cbc

June 5, 2003


JESSICA HARRISON
PRIMARY EXAMINER